



LAKES MANAGEMENT ADVISORY COMMITTEE

NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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MINUTES

November 18, 2005 Meeting

DES Conference Room

9:30 a.m. - 1:00 p.m.

Members present:

Jim Haney, Ph.D., Chair
Joanna Pellerin, Vice Chair
Wendell Berry
Joe Farrelly
Ben Frost
Mark Hemmerlein
Ken Jordan
Mitchell E. Kalter
Marsha Lavallee Huntoon
James S. Morash
Fred Murphy

Representing:

Scientific Community, UNH
State Conservation Committee
NH Business and Industry Assn
NH Lakes Association
Director, Office of Energy and Planning
Commissioner, DOT
NH Association of Realtors
NH Fish & Game Commission
Conservation Commissions
Tourism, NH Travel Council
Member, Planning Board

Term:

August 22, 2007
August 1, 2006
July 8, 2007
August 1, 2006
Indefinite
Indefinite
June 27, 2008
August 22, 2006
August 22, 2007
August 1, 2007
August 1, 2008

Members not present:

Mark Gallagher
Paul Goodwin
Johanna Lyons
Larry Sunderland
Rich Tichko
Dick Uncles

Commissioner, DOS
NH Marine Dealers Association
Commissioner, DRED
Conservation Community
Exec. Dir., Fish & Game Dept.
Commissioner, Agr. Markets and Food

Indefinite
August 22, 2005
Indefinite
September 19, 2007
Indefinite
Indefinite

Guests Present

Jared Teutsch
Jeffrey A. Schloss

Policy Director, NH Lakes Association
UNH, CE

Staff Present

Jacquie Colburn
Laura Weit
Paul Currier
Andrea LaMoreaux
Bobbi Benedict

Lakes Coordinator, Watershed Management Bureau
Asst. Planner, Watershed Management Bureau
Administrator, Watershed Management Bureau
VLAP Coordinator, Watershed Management Bureau
Admin. Asst., Water Division, Director's Office

The Meeting Was Called to Order

Dr. Haney, Chairman, called the meeting to order at 9:35 a.m.

I. Introductions/Minutes/Committee Business

1) Meeting Minutes: October

In response to J. Farrelly's question, J. Colburn indicated that the chairman of the RMAC co-signed the letters to the Governor and Commissioner Murray regarding the SLR process.

J. Pellerin noted a correction on the spelling of Johanna Lyons' name.

J. Pellerin made a motion to accept the October 28, 2005 minutes with the correction noted. J. Farrelly seconded the motion and it was unanimously voted.

*Fred Murphy and Ken Jordan arrived after the vote was taken.

2) Committee Business:

Introduction:

J. Colburn introduced Laura Weit, Assistant Planner for the Lakes and Rivers Programs at DES. Laura previously worked with the Southwest Region Planning Commission and recently earned a Master's Degree in Resource Management and Administration.

J. Colburn announced that Jen Drociak has recently taken a position in the Volunteer Rivers Assessment Program.

Reappointments

Paul Goodwin's term has expired. J. Colburn will contact Mr. Goodwin again regarding his reappointment.

3. LMAC Meetings:

J. Colburn noted that the committee has held eight meetings and two lake visits so far in 2005. The next meeting will be on December 16, 2005.

4. LMAC Binder - review and discuss

Binders containing updated LMAC materials were distributed to committee members and J. Colburn reviewed the contents with the committee members.

Both Dr. Haney and J. Farrelly expressed their appreciation on behalf of the committee for Jacquie Colburn's exemplary work on behalf of the LMAC, particularly in light of the extra responsibilities Jacquie has taken on for the RMAC in Steve Couture's absence.

5. Future Agenda Items:

December 16, 2005 Meeting:

- Bethann McCarthy, DES Dam Bureau engineer, will update the committee regarding the *Official List of Public Waters*.
- LMPP/LMAC statute review and discuss priorities for 2006.

Other Items:

- DES staff update on CSPA.
- Invite Alice Chamberlin of the Governor's Office to attend a future LMAC meeting.

II. Overview of UNH LLMP and DES VLAP Program/Q&A

Jeffrey A. Schloss, a professor in the Water Quality Department at UNH, oversees the Lakes Lay Monitoring Program (LLMP) which is administered through Cooperative Extension and the Center for Freshwater Biology at UNH. The LLMP fosters participatory research to address concerns of participants and their communities regarding lake management issues. The program combines low-tech data gathering at the local level with high-tech application resources available through UNH to monitor long-term trends affecting New Hampshire lakes. LLMP was founded in 1979 and has been used as a model volunteer monitoring program across the country and around the world.

Andrea LaMoreaux coordinates the Volunteer Lake Assessment Program (VLAP) at DES. The program currently monitors 161 lakes in New Hampshire with approximately 500 volunteers throughout the state. While VLAP was founded in 1985, the program and the coordinator position were formally established by statute in 2005. VLAP teaches principles of lake ecology, trains volunteers in sampling procedures and quality control, and conducts workshops and other outreach programs. An annual report is prepared for each lake monitored in the program and the information is available to the public on the DES website.

Both Jeff and Andrea presented the overviews of their respective programs using PowerPoint presentations. Andrea passed out a package of materials to supplement her presentation.

J. Morash suggested that baseline sampling be done for properties which come before the LMAC to be surplus so the effects of leasing state-owned land can be monitored. J. Farrelly suggested that the cost of monitoring could be added to the lease fee.

III. NH Water Monitoring Strategy

Paul Currier, P.E., P.G., Administrator of the Watershed Management Bureau at DES, presented the NH Water Monitoring Strategy, a plan for a statewide process to implement water data collection and management. The goal of the plan is to provide uniformity in purposes and methods for water quality data collection throughout the state and to make the data accessible and interoperable for use in data-driven public policy decision-making. In New Hampshire a water resources study committee has been established and is charged with developing a statewide plan for water resources management. At the national level, Paul is on the National Water Quality Monitoring Council, which is working on issues related to water quality data collection and interoperability nationwide.

Paul indicated that DES will coordinate with state agencies which collect water data, federal agencies, colleges and universities, and the volunteer monitors and watershed groups to build on data currently available through lakes and rivers monitoring programs. Paul invited the LMAC to provide comments on the plan, which will be continually updated.

Paul presented the Monitoring Strategy using a PowerPoint presentation and the committee members received a portion of the Strategy document. The web link to the entire document will be emailed to the committee members.

IV. NALMS Conference - Update

J. Colburn was one of approximately 600 attendees at the 25th Annual International Symposium of the North American Lake Management Society which was held in Madison, Wisconsin last week. Presentations included an entire day on fresh water cyanobacteria; social sciences, particularly human behavior and lakes as a sense of place; economic value studies; shoreline development and, in particular, work done in the Great Lakes region assessing runoff from developed and undeveloped sites; impacts of docks and piers on shoreline vegetation; and ELVIS software which is used to assess VOC contributions to waterbodies. Information on the conference is available on the NALMS website.

V. Surplus Land Reviews

1) CORD memos to AG - Update

B. Frost indicated that the Attorney General's Office has not responded as yet to CORD's request for an opinion regarding surplus land reviews. J. Colburn indicated that Asst. Commissioner Walls has followed up with a telephone call to the Attorney General's Office.

J. Farrelly made a motion that the LMAC write a letter to the Attorney General's office requesting an opinion on LMAC's authority regarding surplus land reviews. Include a chronology of events since LMAC's involvement with 18-Mile Point and make reference to CORD's requests to the Attorney General's Office for an opinion on the SLR process. M. Lavallee Huntoon seconded the motion and it was unanimously voted.

3) Changes to Process - LMAC/RMAC notification

- P. Currier suggested that the LMAC focus on the development of a process which would allow the LMAC to have input early in the SLR process so that agencies could consider the concerns of the LMAC, based on specific criteria and parameters relevant to lakes management issues, when making decisions on whether to retain property, dispose of property, or dispose of property with conditions. The LMAC will need to have a data resource available on where state lands are located, which agency is managing the lands and what interests need to be considered in lakes management. A mechanism also needs to be developed so other state agencies or municipalities could assume responsibility for land to be surplus.
- J. Farrelly commented that agencies may not recognize an immediate use for a property, but the LMAC needs to consider possible future uses as the population of the state and tourism continue to expand.
- W. Berry added that revenue generation also needs to be weighed into the decision-making process.

VI. Lake-Related Legislation and Other Items and/or Issues

2) Other Items and Issues
SPA Commission

Rene Pelletier, Assistant Director of the Water Division, explained that the Shoreland Commission meets the 2nd Monday of every month through June. The next meeting is December 7 and the public is welcome to attend. There have been four fact finding meetings to date. The Wetlands Bureau staff has presented examples of issues which have been encountered with the Shoreland Protection Act such as size of structure, proximity to a waterbody, and land clearing. At the December meeting, the commission will break into subgroups and each will work on an area of concern. A final report is due in November 2006. Mr. Pelletier encouraged the LMAC members to attend the meetings to present their concerns with the SPA and make recommendations for clarifying legislation.

- J. Farrelly added that enforcement penalties are often too lenient and may need to be addressed by statute.
- Dr. Haney commented that it may be cost effective to increase DES personnel for enforcement and education in light of the economic impact of New Hampshire lakes.
- F. Murphy suggested that inspectors be licensed by DES to do shoreland evaluations, with inspectors' fees paid by property owners.
- Mr. Pelletier added that there is legislation in this session to create a site evaluator position, which may be a good legislative vehicle to tack on licensing of shoreland inspectors.

V. Surplus Land Reviews, Cont'd

J. Colburn advised the LMAC that since the committee's last meeting, CORD had denied two surplus land lease applications in Meredith which the LMAC had recommended against disposal. It is unclear what the process is once CORD denies a request, but the committee's letter to the governor asked for clarification of this issue.

3) Changes to Process - LMAC/RMAC notification

J. Colburn will be meeting with representatives from DOT, CORD, PWAAB, and RMAC to continue work on the flowchart to improve the SLR process and develop suggestions and recommendations in the event an opportunity arises to speak with the Governor on this issue.

F. Murphy requested that Jacquie review the legislation taking CORD out of the review process for properties purchased with highway and turnpike funds to see if the RMAC and LMAC are affected.

J. Colburn was requested to provide PWAAB with comments by the LMAC and RMAC on SLRs so it has the benefit of that information when making its recommendation.

1) Lake-Related Legislation

J. Colburn advised that DES is compiling a list of LSRs. Two LSRs previously mentioned are (1) establishing a committee to study the job of the council on resources and development and (2) relative to the sale or lease of state-owned property. The New Hampshire Lakes Association also is working with legislators to put forth a bill on leasing of state-owned property.

2) Other Items

Winnisquam Boat Ramp Project: Work is continuing on the project.

River/Watershed Conference: Over the past decade DES and the New Hampshire Rivers Council have sponsored an annual rivers-focused conference on the second Saturday in November which has been well-attended every year. A conference was not held this year because of staff shortages, but DES and the Council are hoping to have a watershed-based conference in April of 2006.

Economic Value Study - Phase IIIb: Work is continuing on the project.

The meeting adjourned at approximately 1:00 p.m.